

REMARKS

STATUS OF THE CLAIMS

Claims 1-6, 11-13, and 18 were pending in this application. Claims 4 and 5 have been cancelled without prejudice. Claims 1, 2, 6, 11-13, and 18 have been amended. Following entry of the amendments claims 1-3, 6, 11-13, and 18 will be pending and at issue.

SPECIFICATION OBJECTIONS

The Examiner objected to the specification, indicating that the priority statement needed to be added as the first sentence of the specification. Applicants have made the appropriate revisions and request withdrawal of the objection.

CLAIM OBJECTIONS

The Examiner objected to claims 1, 2, 12, and 13 because of certain informalities. These claims have been amended to correct these inadvertent and/or typographical errors. These changes are believed not to introduce new matter, and their entry is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-6, 11-13, and 18 were rejected under 35 U.S.C. § 102(a) as allegedly being unpatentable because the claimed invention is directed to non-statutory subject matter. The Examiner stated in the Office Action that the claims are not directed to a practical application, but instead are mental steps without a physical transformation. Without agreeing with the rejection, but to expedite prosecution, Applicants have amended claim 1 to recite a step of “outputting result of the risk assessment for the individual.” Applicants submit that the outputting of results step is a physical transformation for claim 1. The claim thus recites a useful, concrete, and tangible result, the outputted result of the risk assessment for the individual. Support for this amendment is found throughout the specification as filed, which describes conducting a risk assessment for cardiovascular disease, and providing the results of this assessment, e.g., p. 15 (providing results in the form of a prognosis, diagnosis, direction of life-style changes, etc.), p. 16 (providing results as a therapy regimen), p. 17 (outputting results as a specific pharmacologic therapy with α_2 AR agonists or antagonists and/or β AR agonists or

antagonists), p.18 (suggesting prophylactic therapy in response to the assessment), Tables 2-5 (showing the output of a risk assessment for groups of individuals), p. 20-21 (describing statistical analyses conducted to test for interactions between the $\alpha_2\text{C}$ AR and $\beta_1\text{AR}$ polymorphisms), p. 19-20 (describing genotyping methods for determining the presence/absence of polymorphisms as a part of the result associated with the methods), etc. Applicants respectfully request withdrawal of this rejection.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-6, 11-13, and 18 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite because the Examiner found it unclear whether the recited receptor in claim 1 has a deletion of residues 322-355 or 322-325. The Examiner also found claim 11 indefinite as allegedly reciting improper Markush groups due to the use of the term “and/or.” Applicants have corrected these typographical errors and thus request withdrawal of this rejection as drawn to the amended claims.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-6, 11-13, and 18 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Without agreeing with the rejection, but to expedite prosecution, Applicants have amended claim 1 as suggested by the Examiner to recite heart failure and to recite homozygosity for the polymorphism. Thus, Applicants respectfully request withdrawal of this ground of rejection.

The Examiner also rejected claim 11 as lacking enablement for reciting administration of agonists and/or antagonists of $\alpha_2\text{C}$ DEL322-325 and $\beta_1\text{Arg}$ 389. Without agreeing with the rejection, but to expedite prosecution, Applicants have amended the claim as suggested by the Examiner to recite an agonist of $\alpha_2\text{C}$ DEL322-325, an antagonist of $\beta_1\text{Arg}$ 389, or both. Thus, Applicants respectfully request withdrawal of this ground of rejection.

PRIOR ART

Applicant notes that there were no prior art rejections made against any of the claims. Therefore, since Applicant has addressed each of the rejections and objections stated in the Office Action according to the Examiner's suggestions, Applicant respectfully requests allowance of the claims in the next action.

CONCLUSION

Withdrawal of the pending rejections and reconsideration of the claims are respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicant's representative at (650) 335-7185.

Respectfully submitted,
Kersten Small, et al.

Dated: April 30, 2008

By: /Antonia L. Sequeira/
Antonia L. Sequeira, Esq.
Reg. No.: 54,670
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7185
Fax.: (650) 938-5200